

State of Oregon vs Benjamin Jay Barber, Case No. 16CR46339

**IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF
WASHINGTON**

State of Oregon,)	
Plaintiff)	
)	Case No.: 16CR46339
vs.)	
)	AMENDED JUDGMENT *
)	
Benjamin Jay Barber,)	Case File Date: 07/27/2016
Defendant)	District Attorney File #: 345218

DEFENDANT

True Name: Benjamin Jay Barber
Date Of Birth: 06/07/1985
Fingerprint Control No (FPN): JWAS216406403

HEARING

Proceeding Date: 12/01/2016
Judge: Beth L Roberts
Court Reporter: Recording, FTR

Defendant appeared in person and was not in custody. The court determined that the defendant was indigent for purposes of court-appointed counsel, and the court appointed counsel for the defendant. The defendant was represented by Attorney(s) Cameron Taylor, OSB Number 154324, Attorney(s) Christina Helregel, OSB Number CLS. Plaintiff appeared by and through Attorney(s) Marie Atwood, OSB Number 132976.

COUNT(S)

It is adjudged that the defendant has been convicted on the following count(s):

Count 1 : Unlawful Dissemination of an Intimate Image

Count number 1, Unlawful Dissemination of an Intimate Image, 163.472, Misdemeanor Class A, committed on or between 01/01/2016 and 06/21/2016. Conviction is based upon a Jury Verdict of Guilty on 11/10/2016.

Incarceration

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Defendant is sentenced to the custody of County Jail, for a period of 6 month(s). Defendant is to report to TSI - WCSO by 12/02/2016 at 7:00 PM. Defendant may receive credit for time served.

The Defendant may be considered by the supervisory authority for any form of alternative sanction authorized by ORS 423.478, and the Defendant shall pay any required per diem fees.

Monetary Terms

Defendant shall be required to pay the following amounts on this count:

Fees and Assessments: Payable to the Court.

Type	Amount	Modifier	Reduction	Actual Owed
Attorney Fees	\$387.00			\$387.00
Fine - Misdemeanor	\$100.00			\$100.00
Total	\$487.00			\$487.00

Your court-ordered financial obligations are to be paid at a monthly rate of \$25 per month beginning on June 1, 2017 and each month thereafter.

Count 2 : Unlawful Dissemination of an Intimate Image

Count number 2, Unlawful Dissemination of an Intimate Image, 163.472, Misdemeanor Class A, committed on or between 01/01/2016 and 06/21/2016. Conviction is based upon a Jury Verdict of Guilty on 11/10/2016.

Suspended Imposition of Sentence

Imposition of sentence is suspended.

Probation

Defendant is placed on Supervised Probation for a period of 5 year(s) and shall be subject to the following conditions of Probation:

Defendant is subject to all general conditions of probation (ORS 137.540).

Furthermore, Defendant is subject to the following Special Conditions of Probation (ORS 137.540(2)):

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Defendant shall:

- Defendant shall obey all laws.
- Defendant shall attend, comply with all rules of program, and successfully complete an approved Domestic Violence Intervention Program as directed by the supervising officer. Sign a release of information for Community Corrections with treatment providers or Department of Human Services. Defendant shall waive any confidentiality or privilege necessary in order to allow treatment providers or supervising officer to communicate with victim.
- Defendant shall attend a Washington County Survivor's Impact Panel as directed by the supervising officer.
- Do not participate in couples' counseling without prior written permission of the supervising officer.
- The defendant shall not attempt to contact or have direct or indirect contact with the victim(s) MEAGAN VANCE or friends or family; nor shall the defendant enter onto the premises, or within 100 yards, of the victim(s) residence, vehicle, place of employment, or school without the prior written permission of the supervising officer or criminal court. "Contact" includes but is not limited to the following: communicating in any form, accessing victim's social networking sites, remaining in the same vicinity as the victim such as a store, theater, sporting event, gym, church, etc., inquiring about the victim through the victim's friends or family, following the victim, or being outside a place that the victim frequents such as the victim's business or school. This no contact provision remains in place even if a related protective order is dismissed.
- Do not have contact with the victim's family, excluding joint, minor children. For cases in which the offense was committed in the immediate presence of minor children, the defendant shall not have contact with such children until approved by the supervising officer or criminal court.
- Do not menace, intimidate, threaten or have offensive contact, including language, with anyone including but not limited to intimate partners. Disclose any potential intimate relationships (prior to intimacy) to your supervising officer. Defendant shall consent to the supervising officer communicating with others about the defendants domestic violence history.
- Defendant shall submit to a polygraph examination to determine if defendant is in compliance with treatment and conditions of supervision; any refusal is a violation of supervision.
- Defendant shall notify the supervising officer within 24 hours of any new arrests, citations, restraining orders, stalking protective orders or other civil protective orders issued against defendant.
- Submit to search of person, residence, vehicle and property including consent to search computer and telephonic devices. Defendant shall also submit to search of social networking sites if the supervising officer has reasonable grounds to believe such search will reveal evidence of a probation violation.
- Defendant may be considered for GPS monitoring.
- Defendant shall obey all other court orders, including but not limited to all restraining orders, stalking protective orders, civil protective orders, juvenile court orders, and domestic relations court orders.
- The defendant shall bear financial responsibility as directed by the supervising officer for any counseling, therapy, treatment and medical costs incurred by the victim(s) as a result of this offense.
- All monies, including previously ordered amounts, are due in full 60 days prior to the expiration of probation unless otherwise ordered. Distribution per statute. The laws allow fees to recover administrative and collection costs to be automatically added and collected without further notice to you or action by the court, when the court has to establish a payment account, refer a matter for collection, or send DMV a suspension notice.
- Defendant shall submit to a mental health evaluation and become involved in any treatment/counseling program(s) which may be recommended by supervising officer and shall remain in said program(s) until successfully completed.
Defendant shall take all medications as prescribed and not stop taking medications unless directed by their medical professional. Defendant shall not change treatment providers without permission of the

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the supervising officer.

- The defendant shall undergo a complete sex offender evaluation at the direction of the supervising officer. If recommended by evaluation, the defendant shall enter and successfully complete a sex offender treatment program approved by the defendant's supervising officer. The program may include polygraph and plethysmograph testing.
- Defendant shall remove, in collaboration with his Probation Officer, all images and videos of victim from his computer.
- Defendant shall remove, in collaboration with his Probation Officer, all images and videos of victim from the internet.
- The defendant shall not view, listen to, own or possess any sexually stimulating visual or auditory materials that are relevant to the defendant's deviant behaviors. Defendant shall consent to search of his/her computer or other electronic equipment by the supervising officer, if the supervising officer has reasonable grounds to believe that evidence of a violation will be found.

Monetary Terms

Defendant shall be required to pay the following amounts on this count:

Fees and Assessments: Payable to the Court.

Type	Amount	Modifier	Reduction	Actual Owed
Fine - Misdemeanor	\$100.00			\$100.00
Total	\$100.00			\$100.00

Same payments as for Count 1.

Count 3 : Unlawful Dissemination of an Intimate Image

Count number 3, Unlawful Dissemination of an Intimate Image, 163.472, Misdemeanor Class A, committed on or between 01/01/2016 and 06/21/2016. Conviction is based upon a Jury Verdict of Guilty on 11/10/2016.

Suspended Imposition of Sentence

Imposition of sentence is suspended.

Probation

Defendant is placed on Supervised Probation for a period of 5 year(s) and shall be subject to the following conditions of

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Probation:

Defendant is subject to all general conditions of probation (ORS 137.540).

Furthermore, Defendant is subject to the following Special Conditions of Probation (ORS 137.540(2)):

Defendant shall:

- Comply with the same terms and conditions as listed on Count 2 in this case.

Monetary Terms

Defendant shall be required to pay the following amounts on this count:

Fees and Assessments: Payable to the Court.

Type	Amount	Modifier	Reduction	Actual Owed
Fine - Misdemeanor	\$100.00			\$100.00
Total	\$100.00			\$100.00

Same payments as for Count 1.

Count 4 : Unlawful Dissemination of an Intimate Image

Count number 4, Unlawful Dissemination of an Intimate Image, 163.472, Misdemeanor Class A, committed on or between 01/01/2016 and 06/21/2016. Conviction is based upon a Jury Verdict of Guilty on 11/10/2016.

Suspended Imposition of Sentence

Imposition of sentence is suspended.

Probation

Defendant is placed on Supervised Probation for a period of 5 year(s) and shall be subject to the following conditions of Probation:

Defendant is subject to all general conditions of probation (ORS 137.540).

Furthermore, Defendant is subject to the following Special Conditions of Probation (ORS 137.540(2)):

Defendant shall:

- Comply with the same terms and conditions as listed on Count 2 in this case.

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Monetary Terms

Defendant shall be required to pay the following amounts on this count:

Fees and Assessments: Payable to the Court.

Type	Amount	Modifier	Reduction	Actual Owed
Fine - Misdemeanor	\$100.00			\$100.00
Total	\$100.00			\$100.00

Same payments as for Count 1.

Count 5 : Unlawful Dissemination of an Intimate Image

Count number 5, Unlawful Dissemination of an Intimate Image, 163.472, Misdemeanor Class A, committed on or between 01/01/2016 and 06/21/2016. Conviction is based upon a Jury Verdict of Guilty on 11/10/2016.

Suspended Imposition of Sentence

Imposition of sentence is suspended.

Probation

Defendant is placed on Supervised Probation for a period of 5 year(s) and shall be subject to the following conditions of Probation:

Defendant is subject to all general conditions of probation (ORS 137.540).

Furthermore, Defendant is subject to the following Special Conditions of Probation (ORS 137.540(2)):

Defendant shall:

- Comply with the same terms and conditions as listed on Count 2 in this case.

Monetary Terms

Defendant shall be required to pay the following amounts on this count:

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Fees and Assessments: Payable to the Court.

Type	Amount	Modifier	Reduction	Actual Owed
Fine - Misdemeanor	\$100.00			\$100.00
Total	\$100.00			\$100.00

Same payments as for Count 1.

COUNTS DISPOSED WITH NO CONVICTION

Count # 6, Unlawful Dissemination of an Intimate Image is Acquitted.

Count # 7, Unlawful Dissemination of an Intimate Image is Acquitted.

Count # 8, Unlawful Dissemination of an Intimate Image is Acquitted.

Count # 9, Unlawful Dissemination of an Intimate Image is Acquitted.

If convicted of a felony or a crime involving domestic violence, you may lose the right to buy, sell, transport, receive, or possess a firearm, ammunition, or other weapons in both personal and professional endeavors pursuant to ORS 166.250, ORS 166.291, ORS 166.300, and/or 18 USC 922(g).

MONEY AWARD

Judgment Creditor: State of Oregon

Judgment Debtor: Benjamin Jay Barber

Payees are to be paid as ordered under Monetary Terms.

Defendant is ordered to pay the following monetary totals, including restitution or compensatory fine amounts stated above, which are listed in the Money Award portion of this document:

Type	Amount Owed
Attorney Fees	\$387.00
Fine - Misdemeanor	\$500.00
Total	\$887.00

The court may increase the total amount owed by adding collection fees and other assessments. These fees and assessments may be added without further notice to the defendant and without further court order.

Subject to amendment of a judgment under ORS 137.107, money required to be paid as a condition of probation remains payable after revocation of probation only if the amount is included in the money award portion of the judgment document, even if the amount is referred to in other parts of the judgment document.

Any financial obligation(s) for conviction(s) of a violation, which is included in the Money Award, creates a judgment lien.

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Payment Schedule

Payment of the fines, fees, assessments, and/or attorney's fees noted in this and any subsequent Money Award shall be scheduled by the clerk of the court pursuant to ORS 161.675.

Payable to:

Washington County Circuit Court
150 N First Avenue
Hillsboro, Oregon 97124
P: 503-846-8888
F: <http://courts.oregon.gov/washington>

Dated the _____ day of _____, 20____

Signed: 12/1/2016 11:49 AM

Signed: _____

Beth L Roberts


Circuit Court Judge, Beth Roberts